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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,601

02/27/2004

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16477-004001

6797

26231 7590 05/14/2008
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EXAMINER

PAINTER, BRANON C

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,601	Applicant(s) KLEIN ET AL.	
	Examiner BRANON C. PAINTER	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) 38-47 and 76-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 and 48-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/26/04 is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24, 27, 35, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 24 recites the limitation "the sidewalls" in line 3. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 27 is rendered vague and indefinite by the phrase "from a sterile...device." When the slide transports materials from sterile to non-sterile, the material is not entering the sterile area.
6. Claims 35 and 37 recite the limitation "the retrieval portion." There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

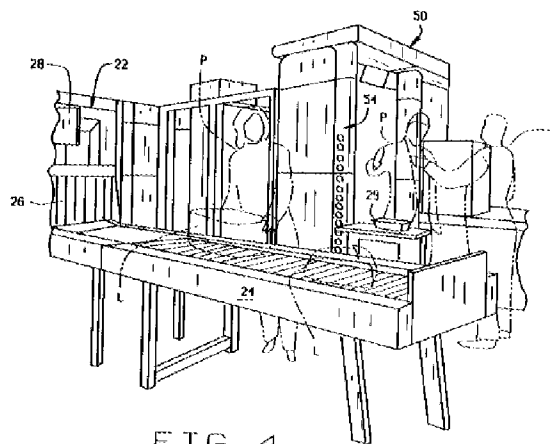
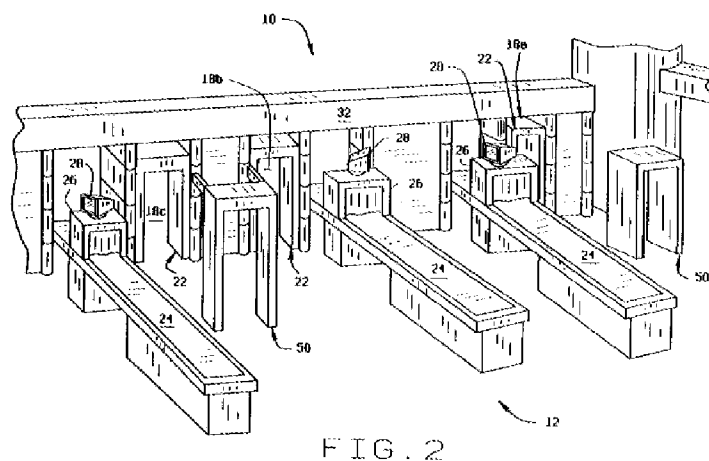
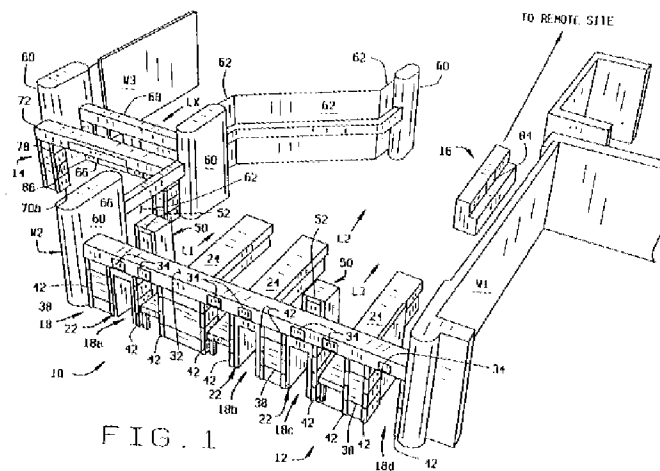
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8, 13-15, 18, 21-24, 27-29, 31, 34, 48-55, 60-62, 65, 68-71, and 74 are rejected under 35 U.S.C. 102(b) as being anticipated by Brunetti et al. (6,507,278).
9. Regarding claim 1, Brunetti discloses a screening system having all of the applicant's claimed structure, including:
 - a. A gateway between sterile and non-sterile areas (18, Fig. 2).
 - b. A screening queue for the gateway (12, Fig. 1; passengers line up outside 18 and pass through 18 one at a time).
 - c. A tray slide adjacent the queue comprising a sidewall and support surface (side walls and support beams supporting the conveyor belt 24, Fig. 2, 4).

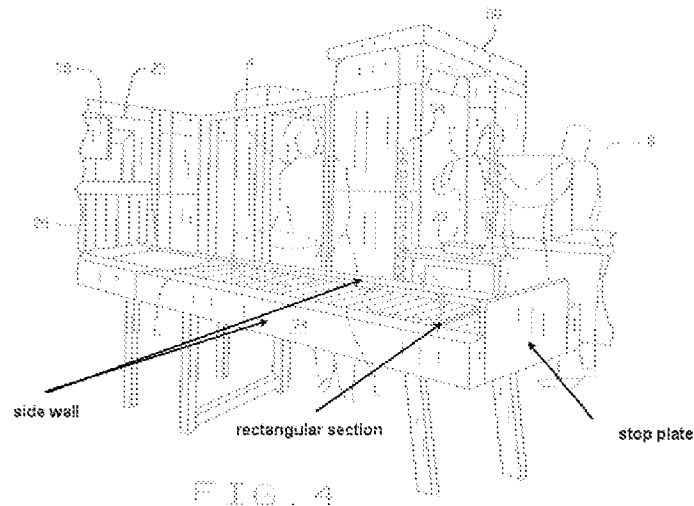


Reproduced from Brunetti

10. Regarding claim 2, Brunetti discloses a tray conveyance coupled to the tray slide (24, Fig. 4).

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11. Regarding claims 48 and 49, Brunetti discloses all the limitations of these claims as discussed with regard to claims 1 and 2 above.
12. Regarding claims 3 and 50, Brunetti discloses a gateway with detection apparatus (22, Fig. 2).
13. Regarding claims 4 and 51, Brunetti discloses a queue that guides from a non-sterile area to a sterile area (12, Fig. 1).
14. Regarding claims 5, 21, 52, and 68, Brunetti discloses a table coupled to the tray slide and disposed between the slide and the queue (26, Fig. 2).
15. Regarding claims 6 and 53, Brunetti discloses a tray slide with elevated portion (tray slide is elevated from the ground, Fig. 4).
16. Regarding claims 7 and 54, Brunetti discloses a receiving portion collocated with the elevated portion (the end of the slide, near the stop plate in Fig. 4, is considered a receiving portion since the stop plate receives trays and prevents them from sliding off the tray slide).
17. Regarding claims 8, 15, 55, and 62, Brunetti discloses a slide with a plurality of rectangular sections having a similar width and coupled to at least another section (gray, amended Fig. 4).
18. Regarding claims 13 and 60, Brunetti discloses a sidewall affixed to the tray slide (amended Fig. 4).



Reproduced from Brunetti (amended)

19. Regarding claims 14 and 61, Brunetti discloses two sidewalls affixed to the slide and extending substantially the entire length of the slide (amended Fig. 4).
20. Regarding claims 18 and 65, Brunetti discloses means for delivering a tray to a passenger (24, Fig. 2, 4).
21. Regarding claims 22 and 69, Brunetti discloses a tray slide coupled to the table and a portion of the table exposed between the tray slide and queue (26, Fig. 2).
22. Regarding claims 23 and 70, Brunetti discloses a retrieval portion distal the gateway (the portion of slide tray near stop plate is considered the retrieval portion, as that is where passengers retrieve items from their trays, amended Fig. 4).
23. Regarding claims 24 and 71, Brunetti discloses an end wall positioned at the retrieval portion (stop plate, amended Fig. 4).
24. Regarding claim 27, Brunetti discloses a tray slide (24) with entry to a sterile area requiring passage through a detection device (26) and screening queue (12, Fig. 1).

25. Regarding claim 28, Brunetti discloses a baggage scanner (26) forming a threshold between sterile and non-sterile areas.
26. Regarding claim 29, Brunetti discloses a slide with a plurality of rectangular sections having a similar width and coupled to at least another section (gray, amended Fig. 4).
27. Regarding claim 31, Brunetti discloses a means for propelling an article from a sterile to non-sterile area (24 in reverse can transport articles this way, Fig. 4).
28. Regarding claim 34, Brunetti discloses a table coupled to the tray slide and disposed between the slide and the queue (top of 26 acts as table, Fig. 2).
29. Regarding claim 74, Brunetti discloses a tray stop (stop plate, amended Fig. 4).
- 30. Regarding all claims, the examiner notes that claim scope is not limited by claim language such as “adapted to,” “operable to,” or “capable of,” which suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. See MPEP 2111.04.**

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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32. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

33. Claims 9-12, 16, 19-20, 25-26, 30-33, 35-37, 56-59, 63, 66-67, 72-73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunetti et al.

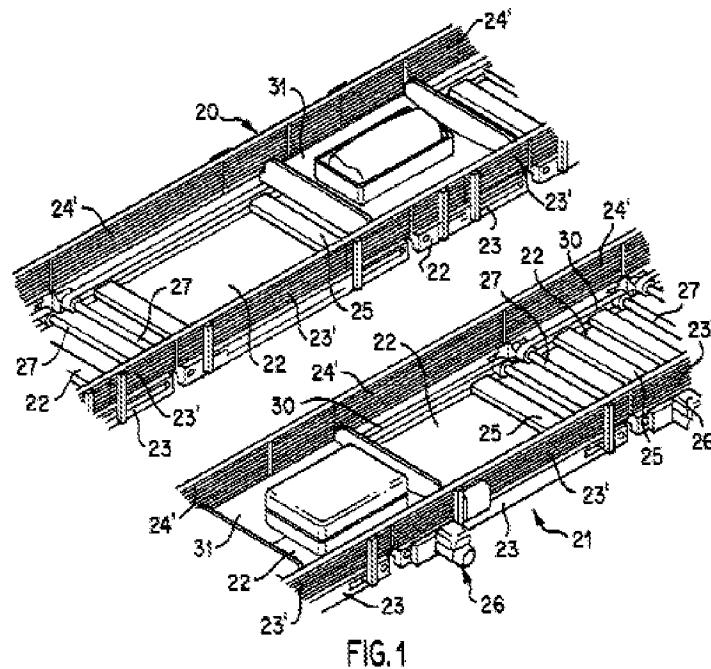
(6,507,278) in view of Bruun et al. (6,471,039).

34. Regarding claims 9-12, 19-20, 56-59, and 66-67:

- a. Brunetti discloses a security system as set forth above.
- b. Brunetti does not expressly disclose that the conveyance includes a roller bed [claims 9, 56] comprising a plurality of wheels [claims 10, 57] or cylindrical rollers rotating around their longitudinal axes [claims 11, 19, 58, 66], or that it includes a conveyor belt [claims 12, 20, 59, 67].
- c. Bruun discloses that a conveyance means for conveying trays may include a roller bed (Fig. 1) [claims 9, 56] comprising a plurality of wheels (27) [claims 10, 57] or cylindrical rollers rotating around their longitudinal axes (27) [claims 11, 19, 58, 66], or that it includes a conveyor belt (30) [claims 12, 20, 59, 67].
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyor of Brunetti by making it from

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well-known materials including wheels, rollers, and belts as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.



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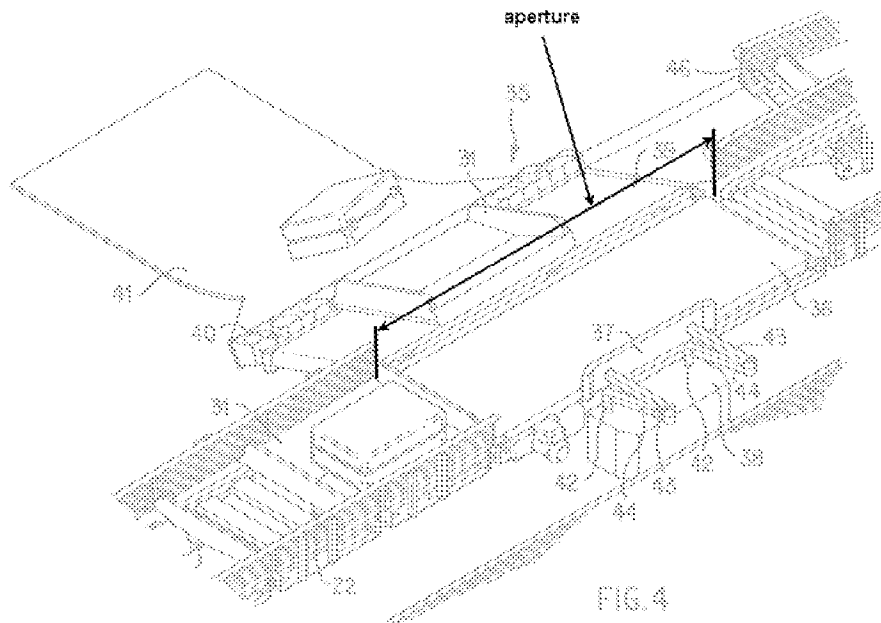
35. Regarding claims 16, 63, and 75:

- a. Brunetti discloses a security system as set forth above.
- b. Brunetti does not expressly disclose that the tray slide sections form a curved tray slide, the curve defining a direction of travel [claims 16, 63], or that the tray slide forms a continuous loop [claim 75].
- c. Bruun discloses that it is notoriously well-known to form conveyor systems using continuous, curved belts (30). These belts form a curved tray slide sections synonymous with the conveyor system 24 of Brunetti. The belts are curved, and the top surface upon which trays and luggage sit moves in the

direction of the queue, "defining the direction of travel" [claims 16, 63]. The tray slide belt forms a continuous loop [claim 75].

- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyor system of Brunetti by making it a continuous belt loop as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.
36. Regarding claims 17 and 64, Brunetti/Bruun as modified above further discloses a queue comprising two queues (Brunetti: 12, Fig. 1 – there is a queue in front of each gateway 18a, 18b, 18c, etc.).
37. Regarding claims 25-26 and 72-73:
- a. Brunetti discloses a security system as set forth above with respect to claims 1 and 48.
 - b. Brunetti does not expressly disclose a tray dispenser distal the gateway [claims 25, 72] comprising an aperture, a platform, and a support system [claims 26, 73].
 - c. Bruun discloses a retrieval portion (39, Fig. 4) [claim 23, 70], a tray dispenser distal the gateway (Fig. 4) [claims 25, 72] comprising an aperture (amended Fig. 4), a platform (46), and a support system (the bars/beams supporting platforms 39 and 46) [claims 26, 73].
 - d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the screening system of Brunetti by adding a

tray dispenser portion as taught by Bruun, in order to provide a means (46) to automate the return of the tray to the beginning of the queue.



Reproduced from Bruun

38. Regarding claims 30-33 and 35-37:

- a. Brunetti discloses a security system as set forth above in claim 27.
- b. Bruun does not expressly disclose that the tray slide has an elevated and non-elevated portion, the elevation providing objects thereon with potential energy [claim 30], means for propelling the article from a sterile to non-sterile area [claim 31] comprising an elevated portion [claim 32], the means including a plurality of rollers with drive mechanism and a belt disposed therearound [claim 33], a tray dispenser [claims 35-36] comprising an aperture, a platform, and a support system [claim 37].

- c. Bruun discloses a tray slide with an elevated (36) and non-elevated (39) portion, the elevation providing objects thereon with potential energy [claim 30], means for propelling the article from a sterile to non-sterile area (39 and height difference between 36, 39) [claim 31] comprising an elevated portion (36) [claim 32], the means including a plurality of rollers (27) with drive mechanism and a belt disposed therearound (30) [claim 33], a tray dispenser [claims 35-36] comprising an aperture (amended Fig. 4), a platform (46), and a support system (the bars/beams supporting platforms 39 and 46) [claim 37].
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the screening system of Brunetti by adding a tray retrieval mechanism incorporating height differentials and conveyor belts as taught by Bruun, in order to provide a means (46) to automate the return of the tray to the beginning of the queue.

Conclusion

39. The examiner notes that nearly every claimed aspect of applicant's invention, **including but not limited to** a security screening system with a detection gateway, queue, tray conveyance means including wheeled roller beds, cylindrical rollers, and/or conveyor belts, sidewalls, support structure, retrieval portions, and end walls, **are old and notoriously well-known in the art**. Anyone who has flown in the last decade has encountered these elements when passing through security. The

examiner suggests limiting claimed subject matter to only those elements which may potentially be novel, as a majority of applicant's claims are superfluous and clearly contain no patentable subject matter.

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANON C. PAINTER whose telephone number is (571)270-3110. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/B. C. P./
Examiner, Art Unit 3633
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/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633